

REMARKS

Claims 1-3, 6, 7, 9-14 have been rejected under 35 USC § 103(a) as being unpatentable over Alaia et al '018 in view of Lewis et al '131. This rejection is respectfully traversed.

Specifically, the independent claims 1 and 13, and the associated dependent claims are variously restricted to “permitting each of said competing participants to prescribe a default final offer . . . and if a competing participant’s default final offer represents a competitive offer that would constitute a leading bid, registering the default final offer as a valid bid and extending the online auction event . . . to allow other competing participants to submit counterbids.”

These aspects of the claimed invention permit checking at or near auction close, a default final offer that is stored for a competing participant to determine whether such default final offer constitutes a valid bid that would win the auction, and if so, registering the default final offer as a valid bid *and* triggering an extension of the auction beyond scheduled closing to permit counterbids from other competing participants.

In addition, the dependent claims are further limited by such various recitations as “maintaining confidential a default final offer . . . unless and until that offer is registered as a valid bid” (i.e., wins the auction), or “each supplier is provided with a target bid . . . to dynamically indicate . . . an offer that that

particular supplier must currently submit to remain competitive in the auction,” or “participant is permitted to select whether their default final offer is to apply at the end of the auction event and/or in an extension period”

These aspects of the claimed invention are not disclosed or suggested by the cited references, and are not addressed as distinct claim limitations within the Examiner’s analyses of the disclosures or suggestions to be adduced from the references. Notably, the Examiner’s analysis of claim 1 (and analogously of claim 13) falls short of the aforecited limitation, above, (i.e., “registering the default final offer *and* extending the online auction event”) that has been recited in claim 1 substantially in the same terms since the original filing. And, the Examiner correctly observes the absence of disclosure in Alaia et al ‘018 of registering a default final offer as a valid bid (i.e., wins the auction) without any further intervention by that competing participant. Significantly, the Examiner’s analysis of this reference fails to include the aforecited distinct recitation of not only registering the default final offer as a valid bid, but also the triggering activity of “extending the online auction event” Alaia et al ‘018 is not understood to disclose or even suggest this additional aspect of the claimed invention.

Nor does Lewis et al ‘131 contain any disclosure of extending the online auction upon registering the default final offer as a valid bid. Although this reference discloses submitting participant’s actual and minimum bids, and

automatically and continuously submitting participant's actual bids necessary to win the auction event until the minimum bid for that participant is reached, as the Examiner correctly notes, there is nevertheless no disclosure or suggestion in Lewis et al '131 of also triggering extension of the auction event upon registering a default final offer as a valid bid. At best, the disclosure of this reference is merely understood to include a "Close Auction" button which allows the administrator to *selectively* close the auction with respect to any lot on the *elective condition* that there has not been any bidding activity within the last 30 minutes. (e.g., Col. 11, lines 49-54)

Thus, merely combining the deficient disclosures of Alaia et al '018 and Lewis et al '131 fails to establish even a *prima facie* basis including *all* recited steps and elements from which a proper determination of obviousness may be formed. It is therefore respectfully submitted that claims 1-3, 6, 7, 9-14 are patentably distinguishable over the cited art.

Claims 5 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alaia et al '018 and Lewis et al '131 in view of Segal '1689. This rejection is respectfully traversed.

Dependent claim 5, analogously claim 8 per its form of rejection, are further restricted by the additional limitation variously recited as "maintaining confidential a default final offer entered by a competing participant unless and until that offer is

registered as a valid bid” (which registration as a valid bid triggers extension of the auction event, per discussion in the above Remarks applicable to independent claims 1 and 13).

These aspects of the claimed invention are not disclosed or even suggested by the cited references considered either alone or in the combination proposed by the Examiner. The deficiencies in the disclosures of Alaia et al ‘018 and Lewis et al ‘131 are discussed in the above Remarks, and Segal is noted to include a highest floor price submitted by a seller in an automated selling system. However, this reference is understood to operate through a *predetermined number of rounds* of bidding, so confidentiality alone of the highest floor price is noted to offer no suggestion of, or resemblance to Applicant’s claimed invention that also requires triggering an *extension* of an auction event upon registering of a default final offer (e.g., highest floor price) as a valid bid. It is therefore respectfully submitted that dependent claims 5 and 8 are patentably distinguishable over the cited references.

Applicant submits that any rejection of claims in a next official action may not properly be made final in view of the new grounds for rejection where there has been no substantive amendment of substantially the same aforecited limitation that has been present in the main claims since the original filing, and that has not been substantively addressed on the merits to date. MPEP 706.07(a).

The undersigned attorney for the Applicant respectfully requests the Examiner to propose a schedule for telephone interview at her convenience in order to resolve any remaining issues that may expedite favorable disposition of this application.

Favorable action is solicited.

Respectfully submitted,
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